

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION**

**GWENDOLYN SMALLS, as Administratrix
of the Estate of LINWOOD RAYMOND
LAMBERT, JR., deceased,**

Plaintiff,

Civil Action No. 4:15CV00017

v.

**CHIEF OF POLICE, JAMES W. BINNER,
COLONEL,
Individually and in his official capacity, et als.,**

Defendants.

**DEFENDANTS' OBJECTION TO, AND MOTION TO
EXCLUDE, TESTIMONY OF PLAINTIFF'S EXPERT, MELVIN L. TUCKER**

COME NOW Defendants, by counsel, and move this Court for an Order barring consideration of any testimony or evidence from Plaintiff's use of force expert, Melvin L. Tucker, for purposes of qualified immunity, as said expert was not timely disclosed under this Court's scheduling order of December 7, 2015 and Rule 26(a)(2)(D)(ii).

CHIEF OF POLICE, JAMES W. BINNER,
COLONEL, ET ALS.

By Counsel

COUNSEL:

s/ Michael A. Nicholas

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CERTIFICATE OF MAILING

I hereby certify that on the 6th day of January 2016 I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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